

***[NO MINUTES WERE GENERATED FOR  
WEDNESDAY, JANUARY 20, 2010,  
IN OBSERVANCE OF THE JUDICIAL BRANCH FURLOUGH.]***

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**SUPREME COURT MINUTES  
THURSDAY, JANUARY 21, 2010  
SAN FRANCISCO, CALIFORNIA**

**S150984** D046394/D048111/D049238

Fourth Appellate District, Div. 1

**PEOPLE v. FREEMAN  
(MARILYN KAYE)**

Opinion filed: Judgment reversed

We reverse the judgment of the Court of Appeal, vacate its denial of the petition for writ of habeas corpus, and remand the matter to that court for further proceedings consistent with this opinion.

Majority Opinion by Moreno, J.

-- joined by George, C. J., Kennard, Baxter, Werdegarr, Chin, and Corrigan, JJ.

**S164830**

B195624 Second Appellate District, Div. 3

**PEOPLE v. KELLY  
(PATRICK K.)**

Opinion filed: Judgment affirmed in full

We conclude as follows: To the extent section 11362.77 (together with its quantitative limitations) impermissibly amends the CUA by burdening a defense that would be available pursuant to that initiative statute, section 11362.77 is invalid under California Constitution article II, section 10, subdivision (c). Nevertheless, it would be inappropriate to sever section 11362.77 from the MMP and hence void that provision in its entirety. To the extent the judgment of the Court of Appeal purports to sever section 11362.77 from the MMP and to void this statute in its entirety, the judgment is reversed. In all other respects the judgment is affirmed.

Majority Opinion by George, C. J.

-- joined by Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

**S177654**

B212416 Second Appellate District, Div. 1

**IN RE V.V.**

Petition for review granted

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

**S177704**

E045714 Fourth Appellate District, Div. 2

**IN RE M.M.**

Petition for review granted

Votes: George, C. J., Kennard, Baxter, Werdegarr, Chin, Moreno, and Corrigan, JJ.

**S177823**      G040122 Fourth Appellate District, Div. 3      **NATIONAL PAINT & COATINGS ASSOCIATION, INC. v. SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT**

Petition for review granted

Votes: George, C. J., Werdegar, Chin, Moreno, and Corrigan, JJ.

**S178799**      E044098 Fourth Appellate District, Div. 2      **CABRAL (MARIA) v. RALPHS GROCERY COMPANY**

Petition for review granted

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

**S179579**      B212635 Second Appellate District, Div. 8      **IN RE J.H.**

Review is granted on the court's own motion.

For purposes of briefing and oral argument, appellant J.H. is deemed petitioner in this court. (See Cal. Rules of Court, rules 8.512(c)(1) and 8.520(a)(6).)

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

**S178103**      B215486 Second Appellate District, Div. 5      **FIREMAN'S FUND INSURANCE CO. & ROCKET SCIENCE LABORATORIES v. WORKERS' COMPENSATION APPEALS BOARD**

Petition for review granted; transferred to Court of Appeal, Second Appellate District, Division Five, with directions to issue an order to show cause

The petition for review is granted.

The matter is transferred to the Court of Appeal, Second Appellate District, Division Five, with directions to vacate its order denying mandate and to issue an order directing respondent superior court to show cause why the relief sought in the petition should not be granted.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

**S179417**      **GRESSETT (MICHAEL) v. S.C. (PEOPLE)**

Petition stricken (case closed)

The application for stay and petition for writ of mandate filed on January 13, 2010, is hereby ordered stricken due to clerical error.

<b>S177384</b>	B214460 Second Appellate District, Div. 5	<b>PEOPLE v. SMITH (RONALD LEE)</b>
Petition for review denied		
<b>S177434</b>	C059227 Third Appellate District	<b>TRACY FIRST v. CITY OF TRACY (WINCO FOODS)</b>
Petition for review & depublication request(s) denied		
<b>S177571</b>	G042044 Fourth Appellate District, Div. 3	<b>GITTIN (DONALD) ON H.C.</b>
Petition for review denied		
<b>S177698</b>	B212551 Second Appellate District, Div. 5	<b>PEOPLE v. KNOWLES (STEVEN)</b>
Petition for review denied		
<b>S177831</b>	B208895 Second Appellate District, Div. 2	<b>PEOPLE v. HARDIN (LEWIS EDWARD)</b>
Petition for review denied		
<b>S177851</b>	B219669 Second Appellate District, Div. 2	<b>LEWIS (SAMUEL) ON H.C.</b>
Petition for review denied		
<b>S177872</b>	B219305 Second Appellate District, Div. 6	<b>IRWIN (DAVID ALEXANDER) v. S.C. (PEOPLE)</b>
Petition for review denied		
<b>S177900</b>	E049460 Fourth Appellate District, Div. 2	<b>OLIVAS (RENE) ON H.C.</b>
Petition for review denied		
<b>S177908</b>	C057485 Third Appellate District	<b>PEOPLE v. GALLUP (GARRETT LEE)</b>
Petition for review denied		

<b>S177923</b>	B219351 Second Appellate District, Div. 8	<b>CANDELARIO (FERNANDO) ON H.C.</b>
Petition for review denied		
<b>S177932</b>	B219560 Second Appellate District, Div. 3	<b>M.A. v. S.C. (PEOPLE)</b>
Petition for review denied		
<b>S177950</b>	F057407 Fifth Appellate District	<b>IN RE E.A.</b>
Petition for review denied		
<b>S177959</b>	B219776 Second Appellate District, Div. 6	<b>McINERNEY (BRANDON) v. S.C. (PEOPLE)</b>
Petition for review denied		
<b>S177969</b>	H032499 Sixth Appellate District	<b>PEOPLE v. CAVALLARO (DAVID REID)</b>
Petition for review denied		
<b>S177987</b>	B212150 Second Appellate District, Div. 8	<b>PEOPLE v. NERO (CHARLES)</b>
Petition for review denied		
<b>S177988</b>	D053162 Fourth Appellate District, Div. 1	<b>FARIBA (BEHYAR) v. DEALER SERVICES CORPORATION</b>
Petition for review denied		
<b>S177994</b>	A118207 First Appellate District, Div. 3	<b>PEOPLE v. COLBERT (GREGORY)</b>
Petition for review denied		
<b>S178066</b>	F054903 Fifth Appellate District	<b>PEOPLE v. VANG (LEE JOHNNY)</b>
Petition for review denied		

<b>S178070</b>	B209903 Second Appellate District, Div. 6	<b>PEOPLE v. GALAN (RAFAEL PEREZ)</b>
Petition for review & depublication request(s) denied		
<b>S178097</b>	E049560 Fourth Appellate District, Div. 2	<b>ZENC (JOHN W.) ON H.C.</b>
Petition for review denied		
<b>S178101</b>	B206368 Second Appellate District, Div. 6	<b>PEOPLE v. TEJEDA (JOHN)</b>
Petition for review denied		
<b>S178104</b>	E049466 Fourth Appellate District, Div. 2	<b>MEDWAY (SAMUEL LEE) ON H.C.</b>
Petition for review denied		
<b>S178119</b>	E047188 Fourth Appellate District, Div. 2	<b>PEOPLE v. DUNN (GREGORY ADAM)</b>
Petition for review denied		
<b>S178121</b>	E049531 Fourth Appellate District, Div. 2	<b>SMITH (MARCUS JAMES) ON H.C.</b>
Petition for review denied		
<b>S178139</b>	C058521 Third Appellate District	<b>PEOPLE v. MUNOZ (JOSE KELLY)</b>
Petition for review denied		
<b>S178142</b>	G042558 Fourth Appellate District, Div. 3	<b>THOMPSON (MICHAEL) ON H.C.</b>
Petition for review denied		
<b>S178145</b>	B210999 Second Appellate District, Div. 2	<b>PEOPLE v. MAGANA (MAURICIO EDUARDO)</b>
Petition for review denied		

**S178148** B207955 Second Appellate District, Div. 2

Petition for review denied

**PEOPLE v. QUIJANO  
(MARIA)**

**S178158** B212884 Second Appellate District, Div. 7

Petition for review denied

**MABASA (NTSAKO) ON H.C.**

**S178199** B211815 Second Appellate District, Div. 2

Petition for review denied

**JENSEN (CRAIG) v.  
FRANCHISE TAX BOARD**

**S178202** G042468 Fourth Appellate District, Div. 3

Petition for review denied

**ERKELENS (STEPHAN J.) v.  
S.C. (GRIFFITHS)**

**S178207** F054904 Fifth Appellate District

Petition for review denied

**PEOPLE v. HER (YA KAHA)**

**S178216** B219818 Second Appellate District, Div. 7

Petition for review denied

**PARDUE (RAEMON) ON H.C.**

**S178227** C063204 Third Appellate District

Petition for review denied

**WADE (TOBY) ON H.C.**

**S178242** F058274 Fifth Appellate District

Petition for review denied

Baxter, J., was recused and did not participate.

**MORGAN (CARL NEWTON)  
ON H.C.**

**S178250** B219820 Second Appellate District, Div. 1

Petition for review denied

**GATTUSO (FRANK) v. S.C.  
(HARTE-HANKS SHOPPERS,  
INC.)**

**S178252** B194272 Second Appellate District, Div. 8

Petition for review denied

**PEOPLE v. BANOS  
(MANUEL)**

**S178281** F051812 Fifth Appellate District

Petition for review denied

**PEOPLE v. STONE  
(NICHOLAS SCOTT)**

**S178306** B212145 Second Appellate District, Div. 2

Petition for review denied

**BUS RIDERS UNION v. LOS  
ANGELES COUNTY  
METROPOLITAN  
TRANSPORTATION  
AGENCY**

**S178311** B220165 Second Appellate District, Div. 6

Petition for review denied

The request for judicial notice is granted.

**GONZALES (EDWARD S.) ON  
H.C.**

**S178328** B211431 Second Appellate District, Div. 6

Petition for review denied

Baxter and Corrigan, JJ., are of the opinion the petition should be granted.

**BURLAGE (ROGER) v. S.C.  
(SPENCER)**

**S178349** B216391 Second Appellate District, Div. 5

Petition for review denied

**PEOPLE v. DAVIS (LEVON)**

**S178368** F058770 Fifth Appellate District

Petition for review denied

Baxter, J., was recused and did not participate.

**DAWSON (WILLIAM) ON  
H.C.**

**S178375** E049468 Fourth Appellate District, Div. 2

Petition for review denied

**GRIFFIN (ELLIOTT LEW) v.  
S.C. (PEOPLE)**

<b>S178396</b>	A124943 First Appellate District, Div. 2	<b>MARSHALL (BRYON J.) ON H.C.</b>
Petition for review denied		
<b>S178398</b>	A122971 First Appellate District, Div. 2	<b>PEOPLE v. MARSHALL (BRYON JOHN)</b>
Petition for review denied		
<b>S178400</b>	G040698 Fourth Appellate District, Div. 3	<b>PEOPLE v. TUREK (VICTOR ALEX)</b>
Petition for review denied		
<b>S178409</b>	C062584 Third Appellate District	<b>CRANER (STEVEN ALLEN) ON H.C.</b>
Petition for review denied		
<b>S178414</b>	A125859 First Appellate District, Div. 1	<b>SNYDER TRUST ENTERPRISES v. FUCHS (MASSIMO)</b>
Petition for review denied		
<b>S178450</b>	B211893 Second Appellate District, Div. 3	<b>PEOPLE v. BRUNDIGE III (FRANKLYNN NEWTON)</b>
Petition for review denied		
<b>S178453</b>	B219989 Second Appellate District, Div. 8	<b>TONG (TU MY) v. S.C. (FISCHER)</b>
Petition for review & application for stay denied		
<b>S178456</b>	C058938 Third Appellate District	<b>TOSTE (GERALD) v. S.C.</b>
Petition for review denied		
<b>S178490</b>	A121271/A121978 First Appellate District, Div. 5	<b>HILSEN RATH (HANA) v. NIXON PEABODY LLP.</b>
Petition for review denied		



**S178497**      A124652 First Appellate District, Div. 3

Petition for review denied

**PATTERSON (KORY  
LAWRENCE ERLAND) v.  
CALIFORNIA STATE  
DEPARTMENT OF MOTOR  
VEHICLES**

**S178509**      A120469 First Appellate District, Div. 3

Petition for review denied

**HSU (JOHN) v. CALIFORNIA  
DEPARTMENT OF  
PERSONNEL  
ADMINISTRATION/  
(CALIFORNIA  
DEPARTMENT OF TOXIC  
SUBSTANCES CONTROL)**

**S178519**      B206776 Second Appellate District, Div. 3

Petition for review denied

**MATUSEK (LEEANNE) v.  
BENN (RODNEY)**

**S178521**      F056544 Fifth Appellate District

Petition for review denied

**FRESNO COMMUNITY  
HOSPITAL & MEDICAL  
CENTER v. UFCW  
NORTHERN CALIFORNIA  
HEALTH & WELFARE  
TRUST FUND**

**S178522**

Petition for writ of mandate/prohibition denied

**CANON (JUSTIN) v. COURT  
OF APPEAL, THIRD  
APPELLATE DISTRICT (SAN  
JOAQUIN COUNTY HUMAN  
SERVICES AGENCY)**

**S178606**      E046735 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. SANTIAGO  
(FRANK PEREZ)**

**S178612** F056268 Fifth Appellate District

Petition for review denied

**PEOPLE v. POGUE  
(TRAVELL DARNELL)**

**S178615** B209336 Second Appellate District, Div. 3

Petition for review denied

**GELSON'S MARKETS, INC.  
v. WORKERS'  
COMPENSATION APPEALS  
BOARD & FOWLER (PAUL)**

**S178619** B209102 Second Appellate District, Div. 3

Petition for review denied

**PEOPLE v. BURGE (ELDRED  
BENARD)**

**S178621** F056173 Fifth Appellate District

Petition for review denied

**PEOPLE v. FELIZ (RICHARD  
RAY)**

**S178625** C063462 Third Appellate District

Petition for review denied

**CHAPPELL (MATTHEW) ON  
H.C.**

**S178640** G041782 Fourth Appellate District, Div. 3

Petition for review denied

**IN RE ISAIAH P.**

**S178644** C052984 Third Appellate District

Petitions for review denied

**PEOPLE v. DANIELS  
(CLARENCE)**

**S178645** D053903 Fourth Appellate District, Div. 1

Petition for review denied

**ANDERSON (WILLIAM) v.  
JEW (MICKEY)**

<b>S178649</b>	B209764 Second Appellate District, Div. 1	<b>PEOPLE v. RAMIREZ (ERICK)</b>
Petition for review denied		
<b>S178653</b>	B210554 Second Appellate District, Div. 5	<b>PEOPLE v. PINEDA (HUGO)</b>
Petition for review denied		
<b>S178659</b>	B210379 Second Appellate District, Div. 4	<b>PEOPLE v. BAUTISTA (JORGE ALFREDO)</b>
Petition for review denied		
<b>S178661</b>	B212440 Second Appellate District, Div. 3	<b>PEOPLE v. SHIELDS (LARRY DARNELL)</b>
Petition for review denied		
<b>S178665</b>	B215252 Second Appellate District, Div. 7	<b>HARPER (BRYAN) v. S.C. (24 HOUR FITNESS, INC.)</b>
Petition for review denied		
<b>S178675</b>	F056032 Fifth Appellate District	<b>PEOPLE v. HAYWOOD (EDDIE RAY)</b>
Petition for review denied		
<b>S178678</b>	A126922 First Appellate District, Div. 5	<b>PRICE (CAROL L.) v. S.C. (ROTHSTEIN)</b>
Petition for review denied		
<b>S178683</b>	A124094 First Appellate District, Div. 3	<b>TERRELL (TANGIE) v. DILLINGHAM &amp; MURPHY LLP.</b>
Petition for review denied		
<b>S178686</b>	D056285 Fourth Appellate District, Div. 1	<b>BROWN (CARRIE) v. S.C.</b>
Petition for review denied		

**S178694**      A121921 First Appellate District, Div. 2

Petition for review denied

**PEOPLE v. SAUNDERS  
(DARRIN CHARLES)**

**S178695**      C061138 Third Appellate District

Petition for review denied

**PEOPLE v. GANNER (LARRY  
LYNN)**

**S178696**      C059680 Third Appellate District

Petition for review denied

**PEOPLE v. LEE (KIM  
STANLEY)**

**S178697**      E048380 Fourth Appellate District, Div. 2

Petition for review denied

**ROMERO (ROLAND &  
JUNE), MARRIAGE OF**

**S178714**

Petition for review denied

The request for judicial notice is denied.

**CHOW (ESTHER) v. S.C.  
(CARLEO)**

**S178729**      C063534 Third Appellate District

Petition for review denied

**BAYRAMOGLU (FIKRI) ON  
H.C.**

**S178742**      F057332 Fifth Appellate District

Petition for review denied

**PEOPLE v. BROWN  
(MARLON ANTOINE)**

**S178745**      A126508 First Appellate District, Div. 2

Petition for review denied

**PEOPLE v.  
SCHWARTZENBERGER  
(LEO)**

<b>S178749</b>	B207784 Second Appellate District, Div. 3	<b>PEOPLE v. FINNELL (KENNETH)</b>
Petition for review denied		
<b>S178756</b>	C059644 Third Appellate District	<b>PEOPLE v. KLEIN (CARLA JEAN)</b>
Petition for review denied		
<b>S178761</b>	E047355 Fourth Appellate District, Div. 2	<b>PEOPLE v. DENNIS, JR., (RODNEY)</b>
Petition for review denied		
<b>S178763</b>	F058953 Fifth Appellate District	<b>KEMP (RAY ALLEN) v. S.C. (PEOPLE)</b>
Petition for review & application for stay denied		
<b>S178765</b>	H033426 Sixth Appellate District	<b>PEOPLE v. DUGGS (KIMBERLY MONIQUE)</b>
Petition for review denied		
<b>S178769</b>	B209655 Second Appellate District, Div. 7	<b>PEOPLE v. HOLMES (ZAIN)</b>
Petition for review denied		
<b>S178770</b>	B210050 Second Appellate District, Div. 2	<b>PEOPLE v. TUTT (FLOYD)</b>
Petition for review denied		
<b>S178800</b>	B220791 Second Appellate District, Div. 7	<b>PULIDO (CARLOS) ON H.C.</b>
Petition for review denied		
<b>S178803</b>	A120508 First Appellate District, Div. 5	<b>IN RE KELLIE M.</b>
Petition for review denied		
<b>S178809</b>	F056767 Fifth Appellate District	<b>IN RE A.A.</b>
Petition for review denied		

**S178813** D053636 Fourth Appellate District, Div. 1

Petition for review denied

**GARLAND (MARK E.) v.  
GARLAND (SHANE  
MATTHEW)**

**S178820** F055068 Fifth Appellate District

Petition for review denied

Baxter, J., was recused and did not participate.

**PEOPLE v. AVILA, JR.,  
(JAIME JOHN)**

**S178843** D053248 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. COUTURIER  
(KYLE PAUL)**

**S178844** C063504 Third Appellate District

Petition for review denied

**GRIMM (GLENN C.) ON H.C.**

**S178874** D053835 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. CASILLAS  
(FERNANDO)**

**S178886** E046496 Fourth Appellate District, Div. 2

Petition for review denied

**PEOPLE v. CASAS (JOSE  
GERALDO)**

**S178902** B209406 Second Appellate District, Div. 8

Petition for review denied

**PEOPLE v. LEWIS (JEFFREY  
DENARD)**

**S178917** B205917 Second Appellate District, Div. 3

Petition for review denied

**GREENSPAN (ARNOLD) v.  
MANHATTAN LOFT LLC.**

**S173306****ALONSO (OMAR  
RODRIGUEZ) ON H.C.**

Petition for writ of habeas corpus denied

**S173620****FOSTER (RONALD) ON H.C.**

Petition for writ of habeas corpus denied

**S173988****LOPEZ (ANDREW R.) ON  
H.C.**

Petition for writ of habeas corpus denied

**S174168****JAMES (MICHAEL) ON H.C.**

Petition for writ of habeas corpus denied

**S174223****YANEZ (ROBERT) ON H.C.**

Petition for writ of habeas corpus denied

**S174240****MILLS (ANTHONY L.) ON  
H.C.**

Petition for writ of habeas corpus denied

**S174245****SHADDEN, JR., (THOMAS J.)  
ON H.C.**The petition for writ of habeas corpus is denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)**S174481****PINA (JOSE ALFREDO) ON  
H.C.**

Petition for writ of habeas corpus denied

**S174681****HALL, JR., (RICHARD  
GARY) ON H.C.**

Petition for writ of habeas corpus denied

**S174706****WOOLRIDGE (JOSHUA  
TODD) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734; *In re Swain* (1949) 34 Cal.2d 300, 304.)

**S174760****ALSBORG (JEFFREY  
MARSHALL) ON H.C.**

Petition for writ of habeas corpus denied

**S174804****DAILY (JOSEPH LEE) ON  
H.C.**

Petition for writ of habeas corpus denied

**S174823****PEREZ (DANIEL MARES) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304.)

**S174867****KIRKLAND (ABRAM) ON  
H.C.**

Petition for writ of habeas corpus denied

**S174870****SCOTT (TIANTE DION) ON  
H.C.**

Petition for writ of habeas corpus denied

**S174971****POWER (MICHAEL) ON H.C.**

Petition for writ of habeas corpus denied

**S175017****COOPER (WILLIAM A.) ON  
H.C.**

Petition for writ of habeas corpus denied



**S175056**

Petition for writ of habeas corpus denied

**AVALOS (VINCENT  
JOHNNY) ON H.C.****S175096**

Petition for writ of habeas corpus denied

**ROBINSON (JIMMY LEE) ON  
H.C.****S175151**

Petition for writ of habeas corpus denied

**JOHNWELL (ADRIAN  
DEMON) ON H.C.****S175158**

Petition for writ of habeas corpus denied

**CARABALLO (EDUARDO)  
ON H.C.****S175269**

Petition for writ of habeas corpus denied

**SINGH (ASHMINDAR JEET)  
ON H.C.****S175321**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**HUGHES (GARY L.) ON H.C.****S175422**

Petition for writ of habeas corpus denied

**EVANS (RAYMOND) ON H.C.****S175536**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734.)

**ELLINGTON, SR., (MARCUS  
RUBEN) ON H.C.**

**S175543****BROWNLEE (TERRENCE)  
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

**S175561****HALEY (DONYAE  
DWAYNE) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S175638****DAVIS (DANIEL ANDREW)  
ON H.C.**

Petition for writ of habeas corpus denied

**S175710****ANDERSON (DARYL) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750.)

**S175715****LEWIS (ANTHONY  
GERARD) ON H.C.**

Petition for writ of habeas corpus denied

**S175727****BROWN (ANDREW  
MARCEL) ON H.C.**

Petition for writ of habeas corpus denied

**S175737****NELSON (KENNETH  
WAYNE) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S175747****WESTERFIELD (CLEO) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

**S175756****JIMENEZ (DANIEL LICEA)  
ON H.C.**

Petition for writ of habeas corpus denied

**S175795****DIAZ (GERARDO) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S175796****COBBS (EDWARD N.) ON  
H.C.**

Petition for writ of habeas corpus denied

**S175797****CUMMINGS III (MILTON)  
ON H.C.**

Petition for writ of habeas corpus denied

**S175799****ANTHONY (MARK) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

**S175808****FRAUSTO, JR., (JESUS) ON  
H.C.**

Petition for writ of habeas corpus denied

**S175810****LUNA (LINETTE DIANE) ON  
H.C.**

Petition for writ of habeas corpus denied

**S175823****GONZALEZ (ERNESTO E.)  
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

**S175845****EZELL, JR., (LEE F.) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dixon* (1953) 41 Cal.2d 756.)

**S175859****WASHINGTON (WESLEY E.)  
ON H.C.**

Petition for writ of habeas corpus denied

**S175881****MORA (DANIEL) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**S175883****DIAZ (JOSE HERNANDEZ)  
ON H.C.**

Petition for writ of habeas corpus denied

**S175930****NGUYEN (PHONG KHANH)  
ON H.C.**

Petition for writ of habeas corpus denied

**S175957****ROBINSON (LONNIE DALE)  
ON H.C.**

Petition for writ of habeas corpus denied

**S175976****HERNANDEZ (DAVID  
GARCIA) ON H.C.**

Petition for writ of habeas corpus denied

**S176487****RODRIGUEZ (JOHN) ON  
H.C.**

Petition for writ of habeas corpus denied

**S176518****LOPEZ (ANDREW R.) ON  
H.C.**

Petition for writ of habeas corpus denied

**S176593**

Petition for writ of habeas corpus denied

**CASTRO (JOE) ON H.C.****S176942**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)

**ANTHONY (MARK) ON H.C.****S177546**

Petition for writ of habeas corpus denied

**RIVERA (LAWRENCE JOHN)  
ON H.C.****S177879**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750.)

**FOSTER (RONALD) ON H.C.****S177956**

Petition for writ of habeas corpus denied

**PERRY (EDDIE) ON H.C.****S178092**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734; *In re Dexter* (1979) 25 Cal.3d 921.)

**O'HARE (FRANK-ALAN) ON  
H.C.****S178098**

Petition for writ of habeas corpus denied

**BROWN (THEODIS) ON H.C.****S178305**

Petition for writ of habeas corpus denied

**WATSON (XAVIER) ON H.C.****S178353**

Petition for writ of habeas corpus denied

**SHARP (ROBIN) ON H.C.****S178405**

Petition for writ of habeas corpus denied

**VASQUEZ (NESTOR) ON  
H.C.**

**S178589**

Petition for writ of habeas corpus denied

**VARGAS (ANTONIO) ON  
H.C.****S178810**

Petition for writ of habeas corpus denied

**GOOLSBY (THOMAS) ON  
H.C.****S178835**The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921.)**GUILLAMA-FERNANDEZ  
(JUAN JOSE) ON H.C.****S178907**The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)**SCHULER (WILBUR) ON  
H.C.****S178693**

A122920 First Appellate District, Div. 1

**GARDNER (CLIFF) v.  
SCHWARZENEGGER  
(ARNOLD)**

Order: (dispositive)

The court declines to review this matter on its own motion. The matter is now final.

**S177841**

A121899 First Appellate District, Div. 5

**CITIZENS FOR CIVIC  
ACCOUNTABILITY v. TOWN  
OF DANVILLE (DAVIDON  
HOMES)**

Publication request denied (case closed)

**S177861**

D054083 Fourth Appellate District, Div. 1

**SOMO (ADEL) v. LARSON  
(KALYNN)**

Publication request denied (case closed)

**S178441****RESURGENCE FINANCIAL  
LLC. v. BASINGER (JOHN V.)**

Publication request denied (case closed)

**S177589**      E045100 Fourth Appellate District, Div. 2      **PEOPLE v. JONES  
(MICHAEL TROY)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 1, 2010.

**S177734**      B204986 Second Appellate District, Div. 8      **COHEN (PHILIP KENT) v.  
DIRECTV, INC.**

The time for granting or denying review in the above-entitled matter is hereby extended to March 1, 2010.

**S177774**      D054619 Fourth Appellate District, Div. 1      **GOMEZ (PABLO) v. CITY OF  
SAN DIEGO**

The time for granting or denying review in the above-entitled matter is hereby extended to March 1, 2010.

**S177858**      B209689 Second Appellate District, Div. 6      **PEOPLE v. BROWN  
(KENNETH)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 3, 2010.

**S177878**      B211244 Second Appellate District, Div. 5      **IN RE A.R.**

The time for granting or denying review in the above-entitled matter is hereby extended to March 1, 2010.

**S178135**      B212120 Second Appellate District, Div. 4      **PEOPLE v. PINCKNEY, JR.,  
(TIMOTHY)**

The time for granting or denying review in the above-entitled matter is hereby extended to February 22, 2010.

**S178153**      F055842 Fifth Appellate District      **CATHOLIC HEALTHCARE  
WEST v. CALIFORNIA  
INSURANCE GUARANTEE  
ASSOCIATION**

The time for granting or denying review in the above-entitled matter is hereby extended to February 19, 2010.

**S178164**      B219871 Second Appellate District, Div. 2      **K.J. v. S.C. (PEOPLE)**  
The time for granting or denying review in the above-entitled matter is hereby extended to February 19, 2010.

**S178183**      H033520 Sixth Appellate District      **PEOPLE v. VILLALOBOS (ARMANDO)**  
The time for granting or denying review in the above-entitled matter is hereby extended to March 1, 2010.

**S178184**      C059094 Third Appellate District      **PEOPLE v. LIGGINS (MAURyce ANTHONY)**  
The time for granting or denying review in the above-entitled matter is hereby extended to February 22, 2010.

**S178189**      C060485 Third Appellate District      **PEOPLE v. McROBERTS (DANIEL)**  
The time for granting or denying review in the above-entitled matter is hereby extended to March 3, 2010.

**S178193**      B206794 Second Appellate District, Div. 7      **PEOPLE v. ELLIS (RUDOLPH)**  
The time for granting or denying review in the above-entitled matter is hereby extended to February 26, 2010.

**S178196**      B207190 Second Appellate District, Div. 7      **PEOPLE v. JONES (THOMAS ANTHONY)**  
The time for granting or denying review in the above-entitled matter is hereby extended to February 22, 2010.

**S178204**      D053115 Fourth Appellate District, Div. 1      **PEOPLE v. RAZO (RICARDO)**  
The time for granting or denying review in the above-entitled matter is hereby extended to February 19, 2010.



**S178206**      A117254 First Appellate District, Div. 1      **PEOPLE v. PETERSON  
(LUTHER)**

The time for granting or denying review in the above-entitled matter is hereby extended to February 19, 2010.

**S178215**      G040405 Fourth Appellate District, Div. 3      **ESTRADA (AURELIA  
HORTENSIA) v. DELHI  
COMMUNITY CENTER**

The time for granting or denying review in the above-entitled matter is hereby extended to March 1, 2010.

**S178225**      H032260 Sixth Appellate District      **PEOPLE v. TRUJILLO  
(MARIO)**

The time for granting or denying review in the above-entitled matter is hereby extended to February 23, 2010.

**S178228**      F055657 Fifth Appellate District      **PEOPLE v. ALVAREZ (FRED  
AARON)**

The time for granting or denying review in the above-entitled matter is hereby extended to February 26, 2010.

**S178235**      C059808 Third Appellate District      **PEOPLE v. VILLA (LUIS)**  
The time for granting or denying review in the above-entitled matter is hereby extended to February 23, 2010.

**S178274**      A122626 First Appellate District, Div. 2      **WELLS FARGO BANK v.  
NEILSEN (JAMES)**

The time for granting or denying review in the above-entitled matter is hereby extended to February 26, 2010.

**S178278**      B205419 Second Appellate District, Div. 6      **PEOPLE v. SANDOVAL  
(RODOLFO)**

The time for granting or denying review in the above-entitled matter is hereby extended to February 26, 2010.

**S178279**      D053243 Fourth Appellate District, Div. 1      **PEOPLE v. MOORE (DELON MONTEZ)**

The time for granting or denying review in the above-entitled matter is hereby extended to February 26, 2010.

**S178294**      G040739 Fourth Appellate District, Div. 3      **PEOPLE v. ALVAREZ (JAIME PEREZ)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 1, 2010.

**S178318**      D056128 Fourth Appellate District, Div. 1      **McNEIL TECHNOLOGIES, INC. v. S.C. (LABASTIDA)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 1, 2010.

**S178352**      B210878 Second Appellate District, Div. 4      **PEOPLE v. SHEPPARD (JOSEPH JAY)**

The time for granting or denying review in the above-entitled matter is hereby extended to February 23, 2010.

**S178358**      E045215 Fourth Appellate District, Div. 2      **PEOPLE v. JAIMES (LUIS ANTONIO)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 2, 2010.

**S178364**      C059601 Third Appellate District      **ENTERCOM COMMUNICATIONS CORPORATION v. ROYCE INTERNATIONAL BROADCASTING CORPORATION**

The time for granting or denying review in the above-entitled matter is hereby extended to February 26, 2010.

**S178365**      B208921 Second Appellate District, Div. 4      **PEOPLE v. BISHOP  
(TRAYVON)**

The time for granting or denying review in the above-entitled matter is hereby extended to February 26, 2010.

**S178366**      B204763 Second Appellate District, Div. 2      **PEOPLE v. CLARKE  
(ANTHONY WAYNE)**

The time for granting or denying review in the above-entitled matter is hereby extended to February 26, 2010.

**S178373**      G040566/G042139 Fourth Appellate District, Div. 3      **PEOPLE v. GUREL (METIN  
REZA)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 2, 2010.

**S178397**      H030647 Sixth Appellate District      **GUZMAN (JAVIER R.) v.  
COUNTY OF MONTEREY**

The time for granting or denying review in the above-entitled matter is hereby extended to March 3, 2010.

**S178399**      B206489 Second Appellate District, Div. 7      **PEOPLE v. LASTER  
(MICHAEL J.)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 3, 2010.

**S178415**      B209081 Second Appellate District, Div. 3      **PEOPLE v. VEGA (CARLOS  
HUMBERTO)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 3, 2010.

**S178434**      A124231 First Appellate District, Div. 3      **PEOPLE v. CRUZ (JORGE  
ALBERTO)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 3, 2010.

**S178437**      B212011 Second Appellate District, Div. 8      **PEOPLE v. JOHNSON  
(CEDRIC)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 4, 2010.

**S178438**      G039421 Fourth Appellate District, Div. 3      **PEOPLE v. RUMP (JACOB  
ANTHONY)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 4, 2010.

**S178445**      F058855 Fifth Appellate District      **BRYANT (JAMES E.) v. S.C.  
(CLARK)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 4, 2010.

**S178449**      B210711 Second Appellate District, Div. 4      **PEOPLE v. JONES, JR.,  
(ELMER)**

The time for granting or denying review in the above-entitled matter is hereby extended to March 4, 2010.

**S178454**      A124172 First Appellate District, Div. 2      **IN RE E.Y.**

The time for granting or denying review in the above-entitled matter is hereby extended to March 4, 2010.

**S178498**      B212790 Second Appellate District, Div. 1      **IN RE E.G.**

The time for granting or denying review in the above-entitled matter is hereby extended to March 4, 2010.

**S056766**      **PEOPLE v. LEON (RICHARD)**

Extension of time granted

Good cause appearing, and based upon Senior Deputy State Public Defender Alison Pease's representation that she anticipates filing the appellant's opening brief by June 15, 2010, counsel's request for an extension of time in which to file that brief is granted to March 23, 2010. After that date, only two further extensions totaling about 80 additional days are contemplated.

**S058734****PEOPLE v. HOLMES (KARL DARNELL), McCLAIN (HERBERT CHARLES), & NEWBORN (LORENZO)**

Extension of time granted

Good cause appearing, and based upon counsel Eric S. Multhaup's representation that he anticipates filing appellant Lorenzo Newborn's reply brief by May 12, 2010, counsel's request for an extension of time in which to file that brief is granted to March 15, 2010. After that date, only one further extension totaling about 60 additional days is contemplated.

**S086269****PEOPLE v. JACKSON (JONATHAN KEITH)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Adrienne S. Denault's representation that she anticipates filing the respondent's brief by March 5, 2010, counsel's request for an extension of time in which to file that brief is granted to March 5, 2010. After that date, no further extension is contemplated.

**S097668****PEOPLE v. SHERMANTINE, JR., (WESLEY HOWARD)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to March 23, 2010.

**S100735****PEOPLE v. LANDRY (DANIEL GARY)**

Extension of time granted

Good cause appearing, and based upon Deputy Attorney General Karl T. Terp's representation that he anticipates filing the respondent's brief by May 22, 2010, counsel's request for an extension of time in which to file that brief is granted to March 22, 2010. After that date, only one further extension totaling about 60 additional days is contemplated.

**S109197****PEOPLE v. VAN PELT (JAMES GLENN)**

Extension of time granted

Good cause appearing, and based upon counsel Ronald S. Smith's representation that he anticipates filing the appellant's opening brief by January 15, 2011, counsel's request for an extension of time in which to file that brief is granted to March 22, 2010. After that date, only five further extensions totaling about 300 additional days are contemplated.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S151362****BELL (STEVEN M.) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Miro F. Cizin's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by July 30, 2010, counsel's request for an extension of time in which to file that document is granted to March 22, 2010. After that date, only two further extensions totaling about 130 additional days are contemplated.

**S159540****BENNETT (ERIC WAYNE)  
ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Tamara P. Holland's representation that she anticipates filing the reply to the informal response to the petition for writ of habeas corpus by March 29, 2010, counsel's request for an extension of time in which to file that document is granted to March 29, 2010. After that date, no further extension is contemplated.

**S174695****COLEY (WILLIE CLIFFORD)  
ON H.C.**

Extension of time granted

On application of respondent and good cause appearing, it is ordered that the time to serve and file the Informal Response is extended to February 16, 2010.

**S176620**

B211622 Second Appellate District, Div. 1

**PEOPLE v. GUTIERREZ  
(HUGO)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file the Opening Brief on the Merits is extended to March 1, 2010.

**S067392****PEOPLE v. FREDERICKSON  
(DANIEL CARL)**

Record ordered unsealed

**S067392****PEOPLE v. FREDERICKSON  
(DANIEL CARL)**

Motion for access to sealed record granted

Appellant's Motion to Unseal, filed on September 17, 2009, is granted as follows. The Clerk is directed to unseal the following portions of the record on appeal:

Page 1 of the "Clerk's Supplemental Transcript of 987.9 Material Dated July 17, 2006";

Pages 21 through 27 of the October 30, 1996, Reporter's Transcript;

Line 23 of page 21 through line 17 of page 24, line 7 of page 30 through line 12 of page 31, page 34 through line 8 of page 36, and line 16 of page 41 through line 5 of page 42 of the January 23, 1997, Reporter's Transcript;

On page 49 of the "Clerk's Supplemental Transcript of 987.9 Material Dated January 10, 2006" the following sentences: "Defendant's oral request that preliminary hearing in Div. 311 be advanced and waived, that defendant be allowed to change his plea to a guilty plea and that Public Defender be appointed to represent defendant. Court orders that Div. 311 be contacted by the Court clerk and that defendant's requests be expedited in Div. 311."

The court on its own motion directs the Clerk to unseal the following portions of the record on appeal:

Page 83 through line 4 of page 90, and line 21 of page 100 through page 102 of the December 20, 1996, Reporter's Transcript.

The Clerk is directed to make the unsealed copies part of the public record for this appeal, and send copies to counsel for respondent.

The Clerk is further directed to provide respondent with copies of Pages 87 and 88 of the "Clerk's Supplemental Transcript of 987.9 Material Dated January 10, 2006." Except as provided herein, these pages must remain under seal and their use must be limited solely to the pending proceeding. (Pen. Code § 987.9, subd. (d).)

**S159690**

C050885 Third Appellate District

**STOCKTON CITIZENS FOR  
SENSIBLE PLANNING v.  
CITY OF STOCKTON (A.G.  
SPANOS CONSTRUCTION,  
INC.)**

Order filed

The request of counsel for appellants in the above-referenced cause to allow two counsel to argue on behalf of appellants at oral argument is hereby granted.

The request of appellants to allocate to Wal-Mart Stores, Inc., 20 minutes and A.G. Spanos Construction, Inc., 10 minutes of appellants' 30-minute allotted time for oral argument is granted.

**S159690**

C050885 Third Appellate District

**STOCKTON CITIZENS FOR  
SENSIBLE PLANNING v.  
CITY OF STOCKTON (A.G.  
SPANOS CONSTRUCTION,  
INC.)**

Order filed

The request of counsel for respondents Stockton Citizens for Sensible Planning et al., in the above-referenced cause to allow two counsel to argue on behalf of respondents at oral argument is hereby granted.

The request of respondents to allocate to amicus curiae Planning and Conservation League 15 minutes of respondents' 30-minute allotted time for oral argument is granted.

**S175615**

A119501 First Appellate District, Div. 2

**PEOPLE v. HERNANDEZ  
(ARTURO JESUS)**

Motion denied

On January 7, 2010, respondent filed a motion seeking to transfer this cause to the Court of Appeal with instructions to conduct further proceedings in light of this court's decision in *People v. Stevens* (2009) 47 Cal.4th 625. (Cal. Rules of Court, rule 8.528(d).) Upon due consideration, the motion is denied.

Respondent's alternative request for an extension of time to file the opening brief on appeal is granted. Respondent shall serve and file its opening brief within 30 days from the date of this order.

**S177436**

B207597 Second Appellate District, Div. 5

**PEOPLE v. DAVID (KYLE  
MACOY)**

Order filed

The order filed on January 13, 2010, denying the petition for review is amended to reflect the above title.

**S068230****PEOPLE v. BUTLER  
(RAYMOND OSCAR)**

Application to stay issuance of remittitur granted

Issuance of the remittitur in the above-entitled cause is stayed to permit respondent to file a petition for writ of certiorari with the Supreme Court of the United States.

Upon the filing of that petition, the issuance of the remittitur is further stayed until final determination of the certiorari proceeding.

If a petition for writ of certiorari is not submitted within the time prescribed, this stay will terminate when the time for submitting the petition has expired.



**S178402**

Petition denied

(accusation)

**SAMUELS, ACCUSATION OF****S178426**

Petition denied

(accusation)

**BONNETTE, ACCUSATION OF****S178706**

Petition denied

(accusation)

**FRIBERG, ACCUSATION OF****S178743**

Petition denied

(accusation)

**KEYS, ACCUSATION OF****S178768**

Petition denied

(accusation)

**HAYES, ACCUSATION OF****S178892**

Petition denied

(accusation)

**YOUNG, ACCUSATION OF****S179586**

Voluntary resignation accepted

The court orders that the voluntary resignation of ETHELEE DAVIDSON BAXTER, State Bar Number 60534, as a member of the State Bar of California is accepted.

**BAXTER ON RESIGNATION****S179588**

Voluntary resignation accepted

The court orders that the voluntary resignation of PAUL HOWARD BUQUOI, State Bar Number 60708, as a member of the State Bar of California is accepted.

**BUQUOI ON RESIGNATION****S179592**

Voluntary resignation accepted

The court orders that the voluntary resignation of KELLY JEAN BUCHANAN, State Bar Number 105116, as a member of the State Bar of California is accepted.

**BUCHANAN ON RESIGNATION**

**F055844**

Fifth Appellate District

**PEOPLE v. VEGA (GABRIEL  
HIRUM)**

The time for granting review on the court's own motion is hereby extended to February 16, 2010.  
(Cal. Rules of Court, rule 8.512(c).)

**BAR MISC. 4186    IN THE MATTER OF THE APPLICATION OF THE COMMITTEE  
OF BAR EXAMINERS OF THE STATE BAR OF CALIFORNIA  
FOR ADMISSION OF ATTORNEYS (MOTION NO. 906)**

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:

(SEE ORIGINAL APPLICATION FOR THE LIST OF NAMES ATTACHED.)

**1010351-10**

The **HONORABLE TIMOTHY A. REARDON**, Associate Justice of the Court of Appeal, First Appellate District, is hereby assigned to assist the Supreme Court, as a justice thereof, on January 21, 2010, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.

